

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

FRANK H. MURKOWSKI, GOVERNOR

550 W 7th AVENUE SUITE 1400
ANCHORAGE, AK 99501

PH: (907) 269-7470
FAX: (907) 269-3891

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Mr. Bruce Rogers
BLM Glennallen Field Office
P.O. Box 147
Glennallen, AK 99588

**RE: State Review of DRAFT East Alaska Resource Management Plan and
Environmental Impact Statement,**

Dear Mr. Rogers;

The State of Alaska has reviewed the Bureau of Land Management (BLM), East Alaska (EAK) Resource Management Plan/Environmental Impact Statement (RMP/EIS). We appreciate the opportunity to offer comments and suggestions in support of the development of this plan pursuant to 43 CFR 1610.3-1. This letter represents the consolidated comments of state agencies.

We recognize the difficulty inherent in developing a land use decision-making document designed to provide overall guidance in an area where land status is in flux due to unresolved State and Native land selections. We appreciate BLM's efforts to coordinate with the State throughout the planning process. Through consistent, close coordination with the State, many potential issues have been eliminated or resolved during development of this plan. Furthermore, BLM's efforts to coordinate proposed management strategies with those on adjacent state lands as described in state planning documents will help to create predictable management schemes for the public now, and following conveyance of selected lands. The State supports multiple-use management strategies designed to promote wise stewardship of resources balanced with a clear goal of enhancing opportunities for resource development and is pleased to see BLM's stated commitment to multiple use and sustained yield as set forth in FLPMA. We hope that the following comments and suggestions will be useful as BLM prepares the final RMP/EIS.

GENERAL COMMENTS:

Withdrawal Review, PLO 5150

During scoping, the State of Alaska requested that existing withdrawals be reviewed and those that are no longer needed for the purpose for which they were withdrawn be revoked. Of particular concern to the State are the Alaska Native Claims Settlement Act (ANCSA) 17 (d)(1) withdrawals. These (d)(1) withdrawals are no longer appropriate for two reasons: 1)

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most were made to enable ANCSA selections that have long since been completed, and 2) they supported the study of federal lands for possible designation as conservation system units, which was resolved by Congress with the Alaska National Interest Lands Conservation Act (ANILCA). We are pleased that BLM has conducted a review of the existing withdrawals and is recommending revocation of the majority of the ANCSA (d)(1) withdrawals.

However, the State does not support BLM's proposed retention of PLO 5150, the Trans-Alaska Pipeline Utility Corridor. The State believes that state ownership of the corridor is appropriate and we consider this to be a high selection priority. The land was withdrawn to enable construction of the Trans Alaska oil pipeline, which has now been in place for over 25 years. Rights-of-way for a future gas line are also already in place. Considering that the future use of the corridor for oil and gas transportation is assured, there is no need for federal retention of the corridor. In addition, portions of the PLO 5150 corridor within the planning area do not even include the existing or proposed oil or gas line. A good example of this is the portion of PLO 5150 within T 20 S, R 12 E and T 21 S, R12 E, where the pipeline routes are actually on adjacent state land located to the west of the PLO 5150 lands. In many cases the lands withdrawn by PLO 5150 are adjacent to and in some cases surrounded by state-owned land. Revoking PLO 5150 within this planning area would allow the state to own and manage larger contiguous blocks of land rather than continuing the present situation where BLM lands are essentially inholdings. Furthermore, allowing state selection and conveyance of PLO 5150, may in fact make state selected lands in other areas of the planning area available for long term BLM management, potentially creating a larger more manageable block of contiguous BLM land. This approach has the potential to facilitate more effective and efficient land management practices for both the State and BLM.

Furthermore, the PLOs under review are a series of orders issued by the Secretary of the Interior in the 1970s under the authority of Section 17(d)(1) of ANCSA. Their purpose was to maintain the status quo of the lands in order to complete inventories and assess resources for consideration in land management objectives.¹ The State asserts that the Resource Management Planning process provides the mechanism for developing land management objectives and strategies thus obviating the need for continued withdrawals. We therefore question the appropriateness and relevance of maintaining any withdrawals within the planning area.

Rights of Way, Road Construction, Valid Existing Rights:

For all management areas with alternatives including "Construction of new roads" and "Rights of Way," and for Issue 1, Travel Management, we request recognition of valid existing rights either in the table or as a footnote. In addition, for conservation system units (CSUs) under ANILCA (Gulkana SRMA and Delta SRMA), the alternatives for the above mentioned categories should recognize the provisions under Title XI of ANILCA. Specifically, Title XI includes the option of considering future transportation and utility systems across CSUs.

¹ US Dept. of Interior, Stakeholder Letter, Regarding review of (d)(1) withdrawals June 15, 2005.

Process for Limitations:

Limits on general public use and access in ANILCA CSU's (Wild and Scenic River corridors) require additional procedural steps under 1110(a). We recommend following this ANILCA process (articulated in 43 CFR Part 36) on non-CSU lands such as the Denali SRMA, the Bering Glacier RNA, the Tielke SRMA and the West Fork ACEC. Such a public process will allow BLM to better address many of the concerns raised by the public and the State regarding limits on use and access. The State in its review of the East Alaska DEIS/RMP is interested in documentation that management actions on non-CSU lands in Alaska are justified, reasonable, and evaluated through a public process involving appropriate stakeholders, conducted through an implementation level planning process with more specific focus than the RMP process can provide.

As previously stated, the State does not support limitations to manage general use of public lands without further justification and a more focused public process. The State is pleased to see that many of the Alternative Tables do speak to the identification of appropriate objectives for specific management purposes to be accomplished through implementation level planning. We encourage BLM to continue to utilize this approach throughout the planning document. We are concerned about the statements regarding limitations to be applied to Special Recreation Permits within the Tielke SRMA and Bering RNA (stated in summary tables on pages 586 and 603). We recommend noting that decisions on this issue will be developed through an implementation level planning process. In general, the state supports implementation of the least restrictive means to mitigate impacts and achieve management goals, such as education, increased enforcement of existing regulations, voluntary guidelines, commercial use permit stipulations (e.g. seasonal or temporal requirements), and other management tools. The State concurs with the statement regarding Commercial Use included on page 66 in Table 4, Recreation Summary. We recommend that this statement be carried forward to the summary tables in Appendix I in order to further clarify BLM's intent.

Coastal Zone Consistency

While there is no requirement to address coastal zone management issues in an EIS, such a discussion will help identify potential issues that could arise during state reviews of activities proposed in the future. It would be helpful to explain, perhaps within the Background section in Chapter I, when Alaska Coastal Management Program (ACMP) reviews will be required for federal activities proposed in this planning area. Because the RMP/EIS focuses on general land use management strategies, it is unrealistic for BLM to develop a meaningful consistency evaluation upon which the State could initiate a consistency determination. The State prefers to consult with BLM and provide its coastal zone consistency determination on specific implementation activities as they are proposed.

PAGE SPECIFIC COMMENTS

Chapter I

Definition of federal public lands (e.g., Page 3, Background, 1st paragraph).

The definition of public lands in the Federal Land Policy and Management Act (FLPMA) contrasts with the definition of public lands in ANILCA. Except for Titles IX and XIV of ANILCA that amend the Alaska Claims Settlement Act and the Alaska Statehood Act,

ANILCA uses a definition of federal public lands that applies to many management directions regarding public uses of federal land. For purposes of the ANILCA provisions, the FLPMA definition must be replaced by the ANILCA definition in Section 102, which states:

(2) The term “Federal land” means lands the title to which is in the United States after the date of enactment of this Act.

(3) The term “public lands” means land situated in Alaska, which, after the date of enactment of this Act (December 2, 1980), are Federal lands, except –

A) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of federal law;

...

Because the definition of public lands is important to determine where provisions of ANILCA versus FLPMA apply to federal lands in Alaska, we request the Bureau incorporate the ANILCA definition of public lands in the plan and carefully distinguish where the plan uses the FLPMA definition.

Chapter II: Alternatives

We suggest that BLM consider including an introductory section at the beginning of Chapter II entitled “How to Read this Chapter” (similar to that included in Chapters III and IV) that describes the organization of each issue and clearly describes the difference between an “RMP Decision” and “Implementation-level Considerations” and where and when one might expect to find implementation level considerations described in the alternatives.

We request this text include the important clarification that the decision-making process is flexible and will be based on a subsequent management planning process. This subsequent decision-making process is likely to consider the “Implementation-level Considerations,” presented in the action alternatives, particularly Alternatives C and D but this RMP/EIS does not prejudge the results of the subsequent planning process. These alternatives should clarify that future decisions will be based on the information, discussions, and outcomes of the implementation level planning process. Several of the following comments provide additional information on several of the implementation-level considerations. We request that those comments be considered for discussion as part of the future implementation level planning process.

Issue 1, Travel Management

Page 32, Goals.

The State would appreciate explicit acknowledgement of the need to ensure access for resource development. In many instances off-highway vehicle (OHV) access to mining claims and exploration areas is the most efficient, cost-effective and least intrusive means available. A goal statement at the beginning of the OHV discussion, acknowledging this resource development need and an explanation as to how access can be achieved within the structure of this plan and Issue 1 would be helpful.

The State is pleased to see introductory statements explaining that “Each area designated as “limited” or “closed” to OHVs would have an implementation-level plan completed” (page

33) and that provision is made for OHV use in support of permitted activities (page 33 and Appendix III, page 611). The State also appreciates BLM's efforts to ensure compatibility with State management strategies and regulations associated with Issue 1, specifically 11 AAC 96.020 and 96.025.

Page 34, Paragraph 3.

Please revise the first sentence to read; "To date, the State of Alaska has determined that approximately 650 RS 2477 routes throughout the State satisfy the requirements of RS 2477; the State continues to research additional routes." In addition please change the second sentence to reflect the fact that the current policy is a Department of Interior policy that is outside the scope of this plan.

Pages 36 and 42, West Fork Area, Implementation-level Considerations.

We request the Bureau cooperate with the State to evaluate off-highway vehicle use, habitat conditions, and trumpeter swan population information before developing any restrictions in this area to protect trumpeter swans.

In addition, we request the Bureau cooperate with the State to evaluate snowmachine use, habitat conditions, and moose population information before developing any restrictions designed to minimize impact on moose. Few moose use the West Fork Area during winter months, unless snow levels are very deep, causing moose to move down into the flats area from the surrounding hills. Additionally, there is very little snowmachine use in this area. What little snowmachine use does occur is primarily from trappers managing their traplines. If the Bureau compounds this unnecessary restriction on snowmachine trails by designating trapping trails as public use trails, this can affect trappers by drawing recreational users to their traplines.

The State requests that Implementation-level Considerations described in Alternatives C and D be modified to acknowledge that decisions on any further limitations will be based on information, discussions, and outcomes of the implementation level planning process.

Pages 36 and 42, Delta Bison Calving Area, Implementation-level Considerations.

Delta bison herd use is concentrated on the Delta River floodplain, where off-highway vehicles currently do not travel (until the large channels freeze). The herd currently utilizes the floodplain between the pipeline and the Richardson Highway. The herd encounters traffic on either side, with no documented negative impacts. We object to proposals that would unnecessarily restrict off-highway vehicles to designated trails unless additional justification is provided.

The State requests that Implementation-level Considerations described in Alternatives C and D be modified to acknowledge that decisions on any further limitations will be based on information, discussions, and outcomes of the implementation level planning process.

Pages 37 and 43, Nelchina Caribou Calving Area, Implementation-level Considerations.

We concur that it is not desirable to disturb caribou during the calving season. However, additional information and coordination with state agencies is needed to adequately protect calving grounds while allowing use of the Nelchina public use area. The State currently owns the largest and most heavily used portion of the calving grounds (south of this

designated area) where off-highway vehicle access is prominent. The designated area within the BLM plan lies beyond common off-highway vehicle travel. We request the Bureau cooperate with the State to evaluate off-highway vehicle use, habitat conditions, and caribou population information during implementation-level planning before developing any restrictions in this area to protect caribou.

Pages 37 and 43, Delta WSR Corridor Area, Implementation-level Considerations.

The Delta Wild and Scenic River is a conservation system unit under the ANILCA definition in Section 102(4), thus subject to the access provisions of Section 1110(a) and Department of the Interior implementing regulations at 43 CFR Part 36.11. We request the plan provide clarification that the Bureau must complete regulations under the closure procedures in 43 CFR Part 36.11 before limiting snowmachines to designated trails within the Wild and Scenic River Corridor.

Page 38 and 44, Delta Range Area (including Canwell and Augustana Sub-units).

The Bureau proposes to close the Canwell and Augustana sub-units to off-highway vehicles without a substantiated justification for closure. The State strongly supports OHV access particularly for resource development in this area when needed to facilitate exploration and development of subsurface resources and opposes such closures at the RMP level.

The State requests that Alternatives C and D be revised to move the discussion regarding closure of the Canwell and Augustana sub-units to snowmachines from (a) RMP Decisions to (b) Implementation-level Considerations. As previously discussed, the State requests that such closures be developed in a more focused consultation with the user community and resource managers through development of an implementation-level plan that includes a public process.

Pages 38 and 44, Denali Highway Area, Implementation-level Considerations.

Off-highway vehicles use this area extensively for hunting and fishing access and recreational riding, which is consistent with the State's Susitna and Copper Basin area plans. We request the Bureau not pursue restrictions, other than the "limited" designation consistent with State regulations, on current uses until a joint planning effort completes an evaluation of the resources and habitat concerns. Furthermore, it is likely that during implementation level planning the state will object to limitations on OHVs that limit areas based on minimizing impacts to the viewshed, maintaining a diversity of recreation opportunities, or any snowmachine restrictions based on trail densities.

The State requests that Implementation-level Considerations described in Alternatives C and D be modified to acknowledge that decisions on any further limitations will be based on an evaluation of relevant information, discussions with resource managers and user groups, and outcomes of the implementation level planning process.

Page 39, 45 and 46, (8) Tiekkel Area (including Tonsina Sub-units).

Management of the Tiekkel Area within the plan has the potential to restrict users inconsistent with the State's regulations for uses on state lands. There are some additional restrictions on use of off-highway vehicles under State regulations for hunting within the area. The BLM proposed restrictions are not substantiated in the plan based on biological concerns beyond those already addressed under state restrictions on use of off-highway

vehicles for hunting. We request the Bureau provide substantiated reasons for increased restrictions in this area or delete the considerations.

We request that the discussion in (8) Tiekel Area (including Tonsina Sub-units) section (a) RMP Decisions regarding potential area closures for snowmachines be moved to section (b) Implementation-level Considerations. We recommend that further restrictions such as closures be developed in consultation with the user community through development of an implementation-level plan that includes a public process.

Page 49, Travel management summary.

We request the preferred alternative include the development of more facilities for recreational use, including increased trail development and improvements and waste management facilities, in order to help keep public lands clean. A proposal to develop these facilities is only included under Alternative B.

Issue 2: Recreation

Please refer to the earlier discussion on Limitations on Use.

Page 58, Delta WSR, Alternative C.

The State requests that language be inserted in the Delta River SRMA Alternative C that management will be consistent with the 1983 River Management Plan for the Delta National Wild and Scenic River (Alternative C) and ANILCA 1110(a) for public access.

Page 60, Delta WSR Corridor Area.

Consistent with the cooperative planning effort between the Bureau and the State of Alaska for the revised Gulkana Wild and Scenic River Management Plan, we request any horsepower limitations on the Tangle Lakes be cooperatively evaluated. The State owns and manages navigable waterways, thus any restrictions would need to be adopted through appropriate state planning and regulatory processes. Under the provisions of ANILCA Section 103(c), federal regulations adopted for the management of the Delta conservation system unit can only be applied to the federal public lands -- i.e. the land above ordinary high water within the corridor. Thus we urge that cooperative evaluation that results in further restrictions on public uses within the waterway, such as horsepower restrictions, can be more appropriately implemented following completion of a joint Bureau-State Delta Wild and Scenic River Revised Management Plan.

Issue 3: Natural and Cultural Resources

The State is pleased with BLM's treatment of Cultural and Paleontological resources.

Page 72, Goals, Fisheries, 2nd sentence.

The use of "restore" in this sentence implies that the current abundance of salmon and steelhead stocks in this area are below historic levels. No data are presented to support this implication. Please consider the following information related to this issue.

Until 1999, there was no measure (besides aerial survey indices) of Chinook salmon escapement into the rivers of the area. In 1999, ADF&G initiated a mark-recapture study on Chinook salmon on the Copper River and, since that time, has met the escapement goal in most years. ADF&G has monitored sockeye salmon escapement in the Copper River with

the Miles Lake sonar since the early 1980s. Since 1984, the Department met the escapement goal for sockeye salmon every year but one. Steelhead in the Copper River drainage are on the fringe of their distribution, and little is known about where stocks occur in the tributaries (except for the Gulkana and Hanagita rivers).

Page 75, 2) Maintenance and Restoration, Fisheries, 1st bullet.

No data are presented to support the implication that habitat destruction or degradation limits the current population of steelhead and rainbow trout in the Gulkana River. The Bureau and ADF&G are currently conducting a study to estimate abundance of rainbow trout. If successful, this would be the first estimate of abundance for this system. Previously, the ADF&G estimated steelhead-spawning abundance at two of the known spawning sites on the Middle Fork Gulkana (Dickey Lake and Hungry Hollow), but it is not known if these sites represent the majority of spawning steelhead that return to the Gulkana River. Since 1991, rainbow trout and steelhead regulations limit fishers to catch and release. Anecdotal information from anglers and observations of recent expansion in the river indicate that the rainbow trout population is increasing. There is no evidence that habitat is presently a limiting factor in steelhead and rainbow trout abundance in the Gulkana River.

Pages 80, 81, and 84, Nelchina Caribou Calving Area, West Fork of the Gulkana.

The State appreciates BLM's efforts to recognize state management intent for state selected lands as described in the Department Of Natural Resource's Area Plans for State Lands and other planning documents such as the ADF&G Bison Management Plan within the areas identified as the Nelchina Caribou Calving Area, the West Fork of the Gulkana proposed ACEC area, and the Delta Bison Calving Area. To a great extent, management strategies proposed for the Nelchina Caribou Calving Area and the West Fork of the Gulkana (trumpeter swam breeding habitat) are consistent with management strategies identified in the Susitna Area Plan and the Copper River Basin Area Plan. However, as indicated in previous comments, there are some issues identified within the Implementation-level Considerations described in this document with which the State has concerns. By addressing these issues through implementation-level planning we believe that many of these concerns can be successfully resolved.

Issue 4: Lands and Realty

Please refer to the earlier general comments regarding Withdrawal Review, PLO 5150.

Pages 103 and 104, Land Use Authorizations, Permits.

ANILCA Section 1316 allows the use of shelters, tent platforms, and other temporary facilities and equipment used for hunting or fishing on Bureau lands, as follows:

- (a) On all public lands where the taking of fish and wildlife is permitted in accordance with the provisions of this Act or other applicable state and federal law the Secretary shall permit, subject to reasonable regulation to insure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities. Such facilities and equipment shall be constructed, used, and maintained in a manner consistent with the protection of the area in which they are located. All new facilities shall be constructed of materials which blend with, and are compatible

with, the immediately surrounding landscape. Upon termination of such activities and uses (but not upon regular or seasonal cessation), such structures or facilities shall, upon written request, be removed from the area by the permittee.

We request the Bureau revise alternatives in Chapter II Lands and Realty and in related tables to reflect this provision.

Page 110 and 112.

As referenced in the General Comments, the State strongly opposes the retention of (d)(1) withdrawals in any of the proposed alternatives. The State strongly supports revocation of PLO 5150 (transportation and utility corridor) for reasons previously articulated.

The State also requests that obsolete power and/or reservoir withdrawals such as along the Nenana River, (ex. PS 450 and PS 403 within Section 10, 11, 14, and 15 T11S, R6W, F.M.) on lands not managed by BLM and PS 450, located just upstream of the Bruskasna on BLM land, be revoked.

**Issue 5, Vegetation Management,
*Page 114, (2) Fire and Fuels Management.***

We question whether it is reasonable to expect that key ecosystem components of vegetation composition and structure can remain intact and functioning “within their historical range” given that species’ range varies in response to climate conditions. Is fire always a “natural change agent” of Alaskan ecosystems?

Page 115, Forestry Products.

We note that harvesting of timber, especially beetle kill, can benefit moose, but only if site treatment promotes willow, birch, or aspen regeneration. This type of treatment is contrary to current Bureau guidelines on timber salvage methods and means, which require that the soil not be scarified. We recommend the Bureau work with State biologists to develop specific site treatment to prevent logging areas from becoming seeded entirely to grass (such as occurred on the Kenai) or stagnant due to continuance of a deep moss layer.

Page 118, Vegetation Management, Caribou.

We do not support stopping a large fire or changing suppression classification because of the potential for “overburning” the amount of caribou range. The fire history of the area is one with many years between fires, and the opportunity to “overburn” is extremely low because of the low annual occurrence of fire in important caribou range. Furthermore, based on our experience, it is very difficult to burn 10% of the range in a decade.

Page 118, Vegetation Management, Moose.

The map referenced in this section (on Page 221) is inaccurate and does not distinguish differences in winter habitat. Instead of focusing on all winter critical range (based on the map), we request the Bureau work with the ADF&G to develop site-specific priorities for areas utilized during severe winters. We also request that the Bureau place emphasis on burning (both wild and controlled) to produce favorable habitat conditions for moose.

Issue 6: Locatable and Leasable Minerals

The State is pleased to see that BLM recommends modifying PLO 6329 to allow for mineral entry in 700,000 acres in the Alphabet Hills area. However, consistent with our statements regarding withdrawals and discussion relative to the Lands and Realty issue, revocation of all withdrawals that have outlived their original purpose is requested.

Issue 7: Subsistence / Social and Economic Conditions

Page 149, b).

Please correct item three to read: “Monitor Resource Populations Use(d) for Subsistence Purposes.”

Pages 149-151, Issue 7: Subsistence/Social and Economic Conditions.

The discussion of Goals and Management Actions as they pertain to the administration of subsistence activities on the affected federal public lands is clear and to the point. As is noted in Alternative B, conveyance of Bureau lands to the State would change circumstances for some federally qualified subsistence users. However, it is premature to conclude what development activities might occur in future years on these lands regardless of whether they transfer to the State or remain under Bureau management. It is also premature to speculate what regulatory oversight would be applied by the respective agencies to those potential developments in order to minimize environmental impacts. Similarly, whether or not opportunities for caribou harvest by local residents would be lost if conveyance to the State occurs depends in part on State caribou hunting regulations in effect in the future. A proposal to modify the Tier II hunt for caribou in Game Management Unit 13 was not adopted at the March 2005 Board of Game meeting, but modification of the current Tier II regulations is anticipated in future proposals.

Chapter 3, Affected Environment

Page 167.

Please include a reference to 11 AAC 96.025 Conditions for Generally Allowed Uses as well as 11 AAC 96.020.

Page 168, Subsistence Use of OHVs.

This section discusses access by off-highway vehicles for subsistence activities, but the plan does not define the reference as ‘federal subsistence only’ or ‘federal and state’ subsistence activities. Since much of this area has appreciable hunting under state regulations that include subsistence uses, OHV restrictions could adversely restrict subsistence uses.

Page 187, Water Quality.

Please acknowledge those existing non-point source water pollution prevention measures that are in place.

Page 206, Caribou, 4th paragraph.

More current population data are available for the Nelchina Caribou Herd than presented. The Nelchina Herd currently exceeds 35,000 animals, which resulted in liberalization of both the state and federal subsistence hunting regulations. The most recent population estimate for the Nelchina Caribou herd is 36,677 (2004). The final ADF&G Management

Report for the Nelchina Caribou Herd in Units 13 and 14B from July 1, 2002 to June 30, 2004 contains the most recent population estimates (in press, 2005).

Page 249, Second full paragraph, line 3.

Please change “residence” to “residents.”

Page 249, Third full paragraph, 2nd sentence.

This sentence suggests that demand for Copper River salmon may increase slightly during the next few years “due to a combination of an increase in urban users and rural users opting to get federal permits as opposed to state permits.” We agree that an increase in the number of urban users could result in an increase in harvest, but do not understand how or why a change in the type of permit obtained by rural users might generate an increased harvest. We request the Bureau clarify this point.

Page 284, Wild and Scenic Rivers.

The State appreciates BLM’s acknowledgement of Section 1326(b) of ANILCA. In this planning area the State has noted that BLM has identified a 15 mile segment of the South Branch of the West Fork of the Gulkana River, the majority of which is already designated a National Wild River, for addition to the existing CSU. While the State, in its Copper River Area Plan has also noted the exceptional recreation and fisheries values of this area and administratively designated the river as a “State Wild and Scenic River under AS 38.04.070 (4), the Legislature did not designate the Gulkana as a State Recreation River. BLM has clearly stated that designation would only be considered should that portion of the river, which currently is a high priority state selection, not be conveyed to the State (page 284). Please note that consolidated State comments submitted in 2003 regarding the Environmental Assessment for the Revision of the 1983 Gulkana River Management Plan indicated “the state would no longer consider pursuing the federal designation as a wild river” for the South Branch of the West Fork of the Gulkana.² The State’s position has not changed.

Page 292, Transportation and Utility Corridor, First paragraph final sentence.

While this sentence is technically correct, it is important to clarify that the State regulates subsistence harvests throughout Alaska unless the state regulations are superseded by federal subsistence regulations on federal public lands. In other words, both the state and federal regulations govern subsistence harvests on federal public lands.

Pages 341-343, Subsistence.

In this chapter, we expected a description of subsistence activities in the planning area, as is suggested in the first sentence of the “How to Read This Chapter” section on page 159. However, neither this section nor the ANILCA Section 810 Analysis in Appendix V provides this important information. If discussion of the potential effects of proposed management actions and measures on subsistence uses of the affected lands will be limited to this chapter and/or the ANILCA Section 810 evaluation, then we request the Bureau fully develop this discussion in the final plan.

² Correspondence from Sally Gibert to Bruce Rogers Re: Environmental Assessment for Revision of the 1983 Gulkana River Management Plan, November 4, 2003.

We urge that a revised discussion include the following: (1) a description of subsistence activities currently taking place in all areas of the planning region; (2) an evaluation of the potential impacts to these activities by the proposed actions; (3) an assessment of the potential cumulative effects to subsistence resources or opportunities referenced in the Review Summary; and (4) a discussion of measures that would be taken to avoid or mitigate negative impacts. This may entail preparing a much more detailed 810 evaluation than typically accompanies land use planning documents, but will be essential to fully address the issue and inform the affected public(s).

Page 341, 2nd paragraph and page 203, 2nd paragraph.

We request the discussion of “sport hunting” (second paragraph page 341 and second paragraph page 203) be corrected. The State subsistence law currently includes all residents as subsistence users in areas where subsistence uses are authorized in State regulation. Federal agencies frequently mischaracterize hunters who are not federally qualified subsistence users to be “sport hunters.” Non-federally qualified subsistence users who are state residents often qualify as subsistence users under the State regulations. It is also important to clarify that State regulations classify hunters as being “resident” or “non-resident” hunters.

Page 342, 2nd and 3rd full paragraphs.

We request that the second and third full paragraphs on page 342 indicate that State of Alaska regulations continue to apply on federal public lands, unless superseded (i.e., restricted) by federal subsistence regulations. State of Alaska regulation apply as well as on all State **and private** lands.

Page 343.

Two of the bullets at the top of page 343 may overstate the Bureau’s role in subsistence management. We request revising the second bullet to read, “Manage **BLM** land and habitat . . .”. We question whether Bureau staff actually “develops interagency subsistence management regulations and policies,” as asserted in the fourth bullet, or if they instead make recommendations regarding regulations and policies for decision makers.

Chapter IV

Page 369, Fish, last sentence.

Section 1314 of ANILCA confirms that the State of Alaska retains authority to manage fish and wildlife on public lands. Clarification of this role and a commitment to cooperate in related matters is addressed in the Master Memorandum of Understanding between the Bureau and the Alaska Department of Fish and Game. We request the final plan include a copy of the Master Memorandum of Understanding as an appendix. In addition, we suggest the Bureau revise the sentence to the following:

The BLM will cooperate with the Alaska Department of Fish and Game to manage, protect, and maintain the genetic integrity of Alaska’s wildstock populations of salmon.

This revision more closely resembles the respective authorities of the Bureau and the Department to manage fish and wildlife habitats and populations.

Page 373, Resource Assumptions: Subsistence.

We question that the Bureau would continue to have a “major role in the management of subsistence resources on public lands” if as many as 5.5 million acres of the 7.1 million acres currently managed by the Bureau in the planning area are conveyed to the State and Native interests. Such a conveyance would substantially reduce the amount of Bureau lands in the planning area and would require fewer Bureau resources. We acknowledge the continuing role the Bureau will play in federal subsistence management activities generally in Alaska, whether or not a substantial portion of the Bureau lands in the planning area are conveyed to the State

We have no suggestions for changes to the sections discussing the potential impacts to subsistence associated with each alternative. The negative impacts to subsistence that are predicted to result if Alternatives A, B, or D are implemented incorrectly presume that no steps would be taken to avoid or mitigate impacts. What actually would happen if each of the various alternatives were implemented does not necessarily correspond with what is assumed to happen, but the assessments in this section probably are appropriate.

Page 399, Impacts to Soils from Recreation.

It is incorrect to state that recreational activities generally do not cause long-term impacts to soil. Extensive studies have shown that heavily used hiking trails, particularly in tundra ecosystems, can cause long-term impacts to soil, including erosion and compaction. Please revise this section to properly acknowledge recreational impacts.

Page 455, Impacts to Wildlife from Recreation, 3rd paragraph.

Consistent with comments on page 60 of the plan, the Bureau cannot unilaterally apply horsepower limitations on the Tangle Lakes. We request the Bureau evaluate uses within the federal public lands of the corridor and cooperate with the state in assessing activities within the state’s waterway as part of a commitment to jointly develop a Bureau-State Delta Wild and Scenic River Revised Management Plan.

Page 515, Alternative C, Prescribed Fire.

We oppose the Bureau’s intent to preclude controlled burns. Small controlled burns are essential to effectively manage wildlife in the planning region, by restoring a natural fire mosaic after a century of fire suppression. In addition, prescribed fire benefits public safety by decreasing the amount of wildfire fuels, thus reducing disastrous wildfires.

Appendix I: Special Recreation Management Areas Comparison Tables.

The summary tables included in Appendix I are very helpful in developing an understanding of the overall ramifications of the issue-driven management strategies and how, when integrated, they will guide management within proposed special management areas.

Page 573, Delta Range SRMA.

The State recommends that under Alternative D for the Delta Range SRMA, Trails/OHV management be amended to specifically provide for permitted motorized use associated with resource development. As currently stated, Alternative D appears more restrictive than Alternative C. In addition, the State was unable to find documented justification for such a

closure either in the narrative in Chapter II or in the summary table. We request that limits on use be justified and documented for the public.

Page 575, Delta River SRMA.

The State recommends that under Alternative D for the Delta River SRMA, Trails/OHV management be amended to specifically state that there are no snowmachine restrictions provided adequate snow cover exists, rather than the language “open in winter.” This approach would be consistent with other tables and provide additional clarity.

Page 580, Denali Highway SRMA

Please edit Alternatives C and D, Denali Highway SRMA, Special Recreation Permits (SRP) to include “based on management objectives and anticipated encounters as determined through an activity planning process.”

Page 586, Tielke SRMA.

The State questions the appropriateness of Alternatives C and D for the Tielke SRMA for Special Recreation Permits absent a documented justification for the limits described and the proposed limits on helicopter supported services. As previously mentioned the State believes that these determinations are best developed through implementation level planning involving targeted user groups. Please refer to our general comments concerning limitations on use and page specific comments regarding the Tielke.

Page 595, Nelchina Caribou Calving ACEC.

We disagree with the Bureau’s restrictions to exclude all airstrip development in Alternatives C and D. In the Department of Natural Resources Susitna Area Plan for the Nelchina Public Use Area, “airstrips and appropriate landing patterns shall be established in consultation with DNR and ADF&G to minimize adverse effects on caribou.” We request the Bureau revise the Area of Critical Environmental Concern to reflect this information.

Appendix II: Areas of Critical Environmental Concern and Research Natural Area Comparison Tables.

As noted in the comments relative to Appendix I, we find these summary tables to be very helpful in developing a comprehensive understanding of the management strategies for these particular management areas.

Page 603, Bering RNA.

The State objects to the use of carrying capacity as a means of limiting Public Use Cabins. Special Recreation Permits within the range of Alternatives for the Bering RNA should clearly identify the management objectives and provide justification for an RMP decision to disallow helicopter supported services. Please refer to previous correspondence from the State regarding carrying capacity and comments included earlier in this correspondence regarding limitations. The State was unable to locate a justification for the elimination of helicopter-supported services.

Appendix III: Required Operating Procedures, Lease Stipulations, and Standard Required Operating Procedures

Exceptions, Modifications, and Waivers, page 608 (paragraph 2).

The introductory section addressing exceptions, modifications, and waivers, states that the first requirement is that “the circumstances or relative resource values in the area had changed following issuance of the lease.” The State is concerned that a lease stipulation may be attached to a lease but the stipulation may not be appropriate for the entire lease area. An exception may be warranted because the specific area of activity does not justify the stipulation. As currently written, however, an exception could not be granted without demonstrating that something has changed.

The exceptions themselves, included with each stipulation, are written in such a way that this first requirement is inconsistent. For example, Stipulation 2 allows exceptions, if a specific area is not actually used by moose, which has nothing to do with changed circumstances. Therefore, the State recommends that the first requirement for granting an exception be deleted, or established as a separate independent justification for granting an exception.

ROP, Soils.

The State is pleased to see BLM consider the use of both seeding with native seed or provision of appropriate soil conditions for natural revegetation as options for meeting revegetation requirements. ROP Soils-a -9, 10, and 12 as well as ROP-Veg-a-2, and 5 are realistic approaches to successful revegetation efforts aimed at preventing noxious weed infestations.

ROP, Riparian Areas and Water Quality ROP-Water-c-2

- Refueling of equipment within 500 feet of the active floodplain of any fish-bearing waterbody and 100 feet from non-fish bearing water bodies is prohibited. The AO may allow storage and operations at areas closer than the stated distance if properly designed to account for local hydrologic conditions.

The AO should have the ability to approve exceptions to the above ROP where it would not be practicable for equipment or pumps associated with placer mining operations to comply.

Standard Lease Terms

Section 7, Mining operations.

- To the extent that impacts from mining operations would be substantially different or greater than those associated with normal drilling operations, lessor reserves the right to deny approval of such operations.

The above ROP appears to be an example of a previous ROP originally associated with oil and gas development. The State suggests that it is reasonable to assume that the impacts from a mining operation would be substantially different and greater than those associated with mineral exploration drilling. The impacts from a proposed mining operation should be evaluated and minimized through the Plan of Operations Approval process, but they will likely be greater than those associated with the drilling of an exploration drill hole. It is not reasonable to expect mining companies to invest capital in mineral exploration if they

cannot expect to develop the mineral resources. The State suggests that this section be deleted.

Appendix V: ANILCA Section 810 Analysis of Subsistence Impacts.

As noted above (comments from pages 341-343), neither the main text nor this appendix presents a description of subsistence uses of the planning area, which we consider an important deficiency in the plan. Enough information about subsistence uses is presented, however, to enable the Bureau to conclude “. . . at Alternative B and the cumulative case considered in this Draft RMP/EIS are likely to significantly restrict subsistence uses.” To comply with required procedures in this situation, the Bureau has initiated public hearings to solicit public comment from local communities and subsistence users. We recommend that the Bureau use testimonies at these hearings to supplement what already had been documented about subsistence uses in the planning area.

Thank you for the opportunity to offer comments on the Draft East Alaska Resource Management Plan/ EIS. We appreciate the attention BLM has paid to existing State planning documents, regulations, and previously articulated concerns. Should you have any questions, please do not hesitate to contact me.

Sincerely,

/ss/

Carol Fries
State RMP Project Coordinator

cc: William Jeffress, Director, Office of Project Management and Permitting
Richard LeFebvre, Deputy Commissioner